



## State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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[www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse)

October 8, 2019

Anthony C. Cox, V.P.  
PennEast Pipeline Company, LLC  
835 Knitting Mills Way  
Wyomissing, PA 19610

RE: File and Activity No.: 0000-17-0007.5 LUP190001, FWW190001  
Applicant: PennEast Pipeline Company, LLC  
Project: Construction of approximately 37.8 miles of natural gas pipeline  
Hunterdon & Mercer Counties

Dear Mr. Cox:

On August 8, 2019, PennEast Pipeline Company, LLC (PennEast) applied to NJDEP for a Freshwater Wetlands Individual Permit, Flood Hazard Area Individual Permit, Flood Hazard Area Verification and Letter of Interpretation and a request for a Water Quality Certificate for the portion of its proposed natural gas pipeline project in New Jersey ("Application"). Based upon the initial review by NJDEP, on September 4, 2019, NJDEP requested additional information from PennEast. On September 11, 2019, PennEast submitted information in response to the NJDEP's September 4, 2019 administrative deficiency letter. NJDEP has determined that the deficient items identified in the September 4, 2019 letter have been sufficiently addressed.

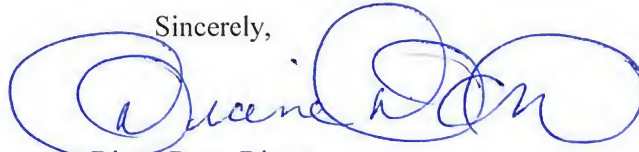
However, on September 10, 2019 the United States Court of Appeals for the Third Circuit vacated the orders of condemnation impacting New Jersey's property interests associated with the above-referenced project. See, *In re: PennEast Pipeline Company, LLC* (3<sup>rd</sup> Cir. Sept. 10, 2019). Therefore, the applicant no longer has the legal authority to perform activities on forty-nine (49) properties along the proposed pipeline alignment, and to carry out all requirements of N.J.A.C. 7:7A et seq. and N.J.A.C. 7:13 et seq. for the full length of the project right-of-way.

Based upon the above, PennEast's Application cannot be deemed "administratively complete," because the applicant has not demonstrated that it has the authority, as required by N.J.A.C. 7:7A-16.2(c) and N.J.A.C. 7:13-18.2(c), to submit the application. Given this fundamental deficiency, the NJDEP hereby rejects and administratively closes the Application. PennEast's Application is denied without prejudice, and as a result, no application for a Freshwater Wetlands Individual Permit and Water Quality Certificate is currently pending in any form before NJDEP.

Please be advised, in response to a request from you received by the Division of Land Use Regulation on September 11, 2019, the Freshwater Wetlands Transition Area Waiver Application is hereby considered withdrawn. The Department shall take no further action on this application.

If you have any questions regarding this letter, please contact by email at [patricia.cluelow@dep.nj.gov](mailto:patricia.cluelow@dep.nj.gov). Please reference the Division's file number in all communication.

Sincerely,



Diane Dow, Director  
Division of Land Use Regulation

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